

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
November 13, 2008
Room 108/109

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, November 13, 2008 in Room 108/109, 4201 Patterson Avenue. The meeting was called to order at 1:09 p.m. by President Dr. David Freedman. Board members present were Drs. Steven Chatlin, Ira Gottlieb, Jay LeBow, Tanya Sellers-Hannibal, Mrs. Ernestine Jones Jolivet and Ms. Barbara Crosby. Also present were Eva Schwartz, Executive Director, Richard Bloom, AAG, Board Counsel, Sally Reier, Administrative Officer, and Oladuni Akinpelu, Administrative Specialist. Guests present were Lynda Lardner-McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA) representative, and Sharon Bloom, Executive Assistant, DHMH.

A. MINUTES:

The minutes from the October 2, 2008 meeting were reviewed and unanimously approved as submitted.

B. OLD BUSINESS:

1. Task Force Updates

Ms. Schwartz informed the Board that the Task Force is reviewing how boards communicate with citizens and the licensees and the Boards' responses and timelines regarding a status of a complaint. Future meeting topics will include timelines for prosecutions and Board actions. Ms. Schwartz will continue to attend the Task Force meetings and provide updates to the Board.

C. NEW BUSINESS

1. Proposed regulations requiring a licensed podiatrist to examine, diagnose, determine medical necessity and prescribe orthotics and prosthetics

The Board reviewed and edited the draft of the proposed regulations defining the term foot appliances and specifying that a licensed podiatrist is required to examine, diagnose, determine medical necessity and prescribe orthotics and prosthetics.

The Board unanimously approved the motion to submit these regulations and requested staff to proceed with same.

2. Jurisprudence Lecture and Exam

- Update to include CPR requirement

The Board discussed updating the Jurisprudence Lecture and Exam to include cardio pulmonary resuscitation (CPR) certification requirements for licensure. Dr. LeBow will draft Exam questions on this topic and the Board will review same at the next Board meeting.

3. NPDB Information

The Board reviewed the National Practitioner Data Bank – Healthcare Integrity and Protection Data Bank newsletter. The Board determined that this newsletter was provided for informational purposes and requires no Board action at this time.

4. Division of Drug Control Inspections

Ms. Schwartz informed the Board that a list of podiatrists with dispensing permits was provided to the Division of Drug Control, at their request. Ms. Schwartz informed the Board that inspections are being performed and that only those podiatrists holding dispensing permits are subject to inspection. This information is posted on the Board's website and was provided to the MPMA. The Board determined that the inspection report documents were provided for informational purposes and requires no Board action at this time.

5. Risk Management article from PICA

The Board reviewed this risk management article concerning standards of care when rendering services to a friend. The Board determined that this article was provided for informational purposes and requires no Board action at this time.

6. Scope of practice inquiry

- Low dye strapping/taping

The Board reviewed this scope of practice inquiry and determined that low dye strapping/taping can be performed by a medical assistant under the supervision of a podiatrist. The Board discussed that according to Medicare guidelines, this service must be performed by the podiatrist to be eligible for reimbursement. The Board advised that for billing purposes, podiatrists should consult with the individual insurance carriers for their requirements. Staff was requested to send a letter to Dr. Motran informing him of same. Staff was requested to post this scope of practice determination on the Board's website.

7. Proposed revisions by the Board of Pharmacy to Regulations 10.13.01 - Dispensing Permits

The Board reviewed the Board of Pharmacy's proposed regulations which would prohibit podiatrists from dispensing prescription drugs to a patient when a licensed pharmacy is within five (5) miles of their practice location. The Board expressed opposition to this

proposal and Ms. Schwartz identified that the Board of Pharmacy is currently reviewing same. The Board discussed submitting a public comment of opposition if and when proposed regulations are published in the Maryland Register.

8. OIG Program Exclusion Authorities

The Office of the Inspector General (OIG) provided Board staff with this OIG Program Exclusion Authorities document at a meeting held on November 7, 2008. The OIG requested that all boards report license suspensions and revocations to them; however, they are not required to report actions they take to the licensing boards. The Board requested a response from the Office of the Attorney General regarding the automatic reporting of Board actions to the OIG.

The Board unanimously approved the motion creating a Board policy requiring licensure staff to check the OIG Medicare exclusion database prior to the issuance of a new license.

9. NBPME Reports

- Testing Policy

The Board reviewed the testing policy, whereby the NBPME will, beginning January 1, 2010, mandate that the tests be taken sequentially and passed before the candidate continues on to the next part. The NBPME will NOT allow any podiatric medical student or candidate to take Part II unless he/she has taken and successfully completed (with a passing score) Part I. Likewise, we will NOT allow any candidate to take Part III unless he/she has successfully completed and passed Part I and II. The Board determined that this policy was provided for informational purposes only and requires no Board action at this time.

10. Professional Service Corporations

- Information from the Maryland Board of Physicians

The Board discussed the information provided by the Maryland Board of Physicians concerning professional service corporations. The Board supports the concept of allowing a professional service corporation for the purpose of rendering professional services within two or more professions (i.e. D.P.M. and M.D.). The Board discussed writing to the Board of Physicians requesting their consideration and advising them that the Board of Podiatry is in favor of writing regulations to allow this concept. Physicians desiring to enter into a professional service corporation with podiatrists may contact the Board of Physicians requesting consideration of same. The Board will continue discussion of this matter at the next Board meeting.

11. Scope of practice inquiry

- History and Physical Exams

The Board reviewed this scope of practice inquiry and confirmed its prior determination that it is within the scope of practice for a Maryland podiatrist to perform the history and physical portion of pre-operative examinations. The Board stated that the required

credentialing for same is determined by individual hospitals. Staff was requested to send a letter to Dr. Boyd informing him of the Board's determination. The Board requested that staff post this scope of practice determination on the Board's website.

With no further business, the meeting was adjourned at 2:02 p.m.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-501 et seq." the Board unanimously approved a motion to close its meeting at 2:02 p.m., in room 108/109 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Ernestine Jones Jolivet, Secretary/Treasurer